
A BILL FOR AN ACT

RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Chapter 576B, Hawaii Revised Statutes, is
amended to read as follows:

"[~~576B~~] CHAPTER 576B [~~576B~~]

UNIFORM INTERSTATE FAMILY SUPPORT ACT

ARTICLE 1. GENERAL PROVISIONS

~~§576B-101~~ Short title. This chapter may be cited as the
Uniform Interstate Family Support Act.

~~§576B-101~~ §576B-102 Definitions. In this chapter:

"Child" means an individual, whether over or under the age
of majority, who is or is alleged to be owed a duty of support
by the individual's parent or who is or is alleged to be the
beneficiary of a support order directed to the parent.

"Child support order" means a support order for a child,
including a child who has attained the age of majority under the
law of the issuing state~~[-]~~ or foreign country.



1 "Convention" means the Convention on the International
2 Recovery of Child Support and Other Forms of Family Maintenance,
3 concluded at The Hague on November 23, 2007.

4 "Duty of support" means an obligation imposed or imposable
5 by law to provide support for a child, spouse, or former spouse,
6 including an unsatisfied obligation to provide support.

7 "Foreign country" means a country, including a political
8 subdivision thereof, other than the United States, that
9 authorizes the issuance of support orders and:

10 (1) That has been declared under the law of the United
11 States to be a foreign reciprocating country;

12 (2) That has established a reciprocal agreement for child
13 support with this State as provided in section
14 576B-308;

15 (3) That has enacted a law or established procedures for
16 the issuance and enforcement of support orders that
17 are substantially similar to the procedures under this
18 chapter; or

19 (4) In which the Convention is in force with respect to
20 the United States.



1 "Foreign support order" means a support order of a foreign
2 tribunal.

3 "Foreign tribunal" means a court, administrative agency, or
4 quasi-judicial entity of a foreign country that is authorized to
5 establish, enforce, or modify support orders or to determine
6 parentage of a child. This term includes a competent authority
7 under the Convention.

8 "Home state" means the state or foreign country in which a
9 child lived with a parent or a person acting as parent for at
10 least six consecutive months immediately preceding the time of
11 filing of a petition or comparable pleading for support and, if
12 a child is less than six months old, the state or foreign
13 country in which the child lived from birth with any of them. A
14 period of temporary absence of any of them is counted as part of
15 the six-month or other period.

16 "Income" includes earnings or other periodic entitlements
17 to money from any source and any other property subject to
18 withholding for support under the law of this State.

19 "Income withholding order" means an order or other legal
20 process directed to an obligor's employer as defined by sections



1 571-52, 571-52.2, 571-52.3, ~~[and]~~ 576D-14, and 576E-16, to
2 withhold support from the income of the obligor.

3 ~~["Initiating state" means a state from which a proceeding~~
4 ~~is forwarded or in which a proceeding is filed for forwarding to~~
5 ~~a responding state under this chapter or a law or procedure~~
6 ~~substantially similar to this chapter, the Uniform Reciprocal~~
7 ~~Enforcement of Support Act, or the Revised Uniform Reciprocal~~
8 ~~Enforcement of Support Act.]~~

9 "Initiating tribunal" means the ~~[authorized]~~ tribunal ~~[in~~
10 ~~an initiating state.]~~ of a state or foreign country from which a
11 petition or comparable pleading is forwarded or in which a
12 petition or comparable pleading is filed for forwarding to
13 another state or foreign country.

14 "Issuing foreign country" means the foreign country in
15 which a tribunal issues a support order or a judgment
16 determining parentage of a child.

17 "Issuing state" means the state in which a tribunal issues
18 a support order or ~~[renders]~~ a judgment determining parentage~~[-]~~
19 of a child.



1 "Issuing tribunal" means the tribunal of a state or foreign
2 country that issues a support order or [~~renders~~] a judgment
3 determining parentage[~~-~~] of a child.

4 "Law" includes decisional and statutory law and rules and
5 regulations having the force of law.

6 "Obligee" means:

7 (1) An individual to whom a duty of support is or is
8 alleged to be owed or in whose favor a support order
9 [~~has been issued~~] or a judgment determining parentage
10 of a child has been [~~rendered,~~] issued;

11 (2) A foreign country, state, or political subdivision of
12 a state to which the rights under a duty of support or
13 support order have been assigned or which has
14 independent claims based on financial assistance
15 provided to an individual obligee[~~-or~~] in place of
16 child support;

17 (3) An individual seeking a judgment determining parentage
18 of the individual's child[~~-~~]; or

19 (4) A person that is a creditor in a proceeding under
20 Article 7.



1 "Obligor" means an individual, or the estate of a
2 decedent ~~[+]~~ that:

3 (1) ~~[Who owes]~~ Owes or is alleged to owe a duty of
4 support;

5 (2) ~~[Who is]~~ Is alleged but has not been adjudicated to be
6 a parent of a child; ~~[or]~~

7 (3) ~~[Who is]~~ Is liable under a support order ~~[+]~~; or

8 (4) Is a debtor in a proceeding under Article 7.

9 "Outside this State" means a location in another state or a
10 country other than the United States, whether or not the country
11 is a foreign country.

12 "Person" means an individual, corporation, business trust,
13 estate, trust, partnership, limited liability company,
14 association, joint venture, public corporation, government, or
15 governmental subdivision, agency, or instrumentality, or any
16 other legal or commercial entity.

17 "Record" means information that is inscribed on a tangible
18 medium or stored in an electronic or other medium and
19 retrievable in a perceivable form.

20 "Register" means to file in the family court of this State
21 a support order or judgment determining parentage ~~[in the family]~~



1 ~~court of this State.]~~ of a child issued in another state or a
2 foreign country.

3 "Registering tribunal" means a tribunal of the state in
4 which a support order or judgment determining parentage of a
5 child is registered. The ~~[child]~~ support enforcement agency of
6 this State ~~[shall be deemed]~~ is the registering tribunal for the
7 receipt and processing of all registration ~~[requested by]~~
8 requests from another ~~[child]~~ support enforcement agency or an
9 individual who has applied for ~~[child]~~ support enforcement
10 agency services[, ~~and the child support enforcement agency of~~
11 ~~this State shall register the request in the appropriate~~
12 ~~tribunal]~~. The family court ~~[shall be]~~ is the registering
13 tribunal for all other requests for registration.

14 "Responding state" means a state in which a ~~[proceeding]~~
15 petition or comparable pleading for support or to determine
16 parentage of a child is filed or to which a ~~[proceeding]~~
17 petition or comparable pleading is forwarded for filing from ~~[an~~
18 ~~initiating state under this chapter or a law or procedure~~
19 ~~substantially similar to this chapter, the Uniform Reciprocal~~
20 ~~Enforcement of Support Act, or the Revised Uniform Reciprocal~~
21 ~~Enforcement of Support Act.]~~ another state or foreign country.



1 "Responding tribunal" means the authorized tribunal in a
2 responding state~~[-]~~ or foreign country.

3 "Spousal support order" means a support order for a spouse
4 or former spouse of the obligor.

5 "State" means a state of the United States, the District of
6 Columbia, Puerto Rico, the United States Virgin Islands, or any
7 territory or insular possession ~~[subject to]~~ under the
8 jurisdiction of the United States. The term includes~~[-]~~

9 ~~(1) An~~ an Indian nation or tribe~~[-and~~

10 ~~(2) A foreign jurisdiction that has enacted a law or~~
11 ~~established procedures for issuance and enforcement of~~
12 ~~support orders which are substantially similar to the~~
13 ~~procedures under this chapter, the Uniform Reciprocal~~
14 ~~Enforcement of Support Act or the Revised Uniform~~
15 ~~Reciprocal Enforcement of Support Act].~~

16 "Support enforcement agency" means a public official ~~[or]~~,
17 governmental entity, or private agency authorized to ~~[seek]~~:

18 (1) ~~[Enforcement]~~ Seek enforcement of support orders or
19 laws relating to the duty of support ~~[pursuant to~~
20 ~~chapters 576D and 576E]~~;



(2) ~~[Establishment]~~ Seek establishment or modification of child support ~~[pursuant to chapters 346, 576D, 576E, 580, and 584];~~

(3) ~~[Determination]~~ Request determination of parentage ~~[pursuant to chapter 584, or]~~ of a child;

(4) ~~[Location of]~~ Attempt to locate obligors or their assets ~~[or];~~ or

(5) Request determination of the controlling child support order.

"Support order" means a judgment, decree, ~~[or]~~ order, decision, or directive, whether temporary, final, or subject to modification, issued in a state or foreign country for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, retroactive support, or reimbursement ~~[, and]~~ for financial assistance provided to an individual obligee in place of child support. The term may include related costs and fees, interest, income withholding, automatic adjustment, reasonable attorney's fees, and other relief.



"Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage~~[-]~~ of a child.

~~[[§576B-102] Tribunals of State.] §576B-103 State tribunal and support enforcement agency.~~ (a) The family court, the child support enforcement agency ~~[as defined by the registering tribunal in section 576B-101],~~ established by section 576D-2, and the office of child support hearings are the tribunals of this State.

(b) The child support enforcement agency is the support enforcement agency of this State.

~~[[§576B-103]] §576B-104 Remedies cumulative.~~ (a) Remedies provided by this chapter are cumulative and do not affect the availability of remedies under other law~~[-]~~ or the recognition of a foreign support order on the basis of comity.

(b) This chapter does not:

(1) Provide the exclusive method of establishing or enforcing a support order under the law of this State;
or



(2) Grant a tribunal of this State jurisdiction to render judgment or issue an order relating to child custody or visitation in a proceeding under this chapter.

§576B-105 Application of chapter to resident of foreign country and foreign support proceeding. (a) A tribunal of this State shall apply Articles 1 through 6 and, as applicable, Article 7, to a support proceeding involving:

(1) A foreign support order;

(2) A foreign tribunal; or

(3) An obligee, obligor, or child residing in a foreign country.

(b) A tribunal of this State that is requested to recognize and enforce a support order on the basis of comity may apply the procedural and substantive provisions of Articles 1 through 6.

(c) Article 7 applies only to a support proceeding under the Convention. In such a proceeding, if a provision of Article 7 is inconsistent with Articles 1 through 6, Article 7 controls.

ARTICLE 2. JURISDICTION

~~[PART I. EXTENDED PERSONAL JURISDICTION]~~



1 ~~[§576B-201]~~ Bases for jurisdiction over nonresident.

2 (a) In a proceeding to establish~~[7]~~ or enforce~~[7]~~~~or modify~~ a
3 support order or to determine parentage~~[7]~~ of a child, a
4 tribunal of this State may exercise personal jurisdiction over a
5 nonresident individual or the individual's guardian or
6 conservator if:

7 (1) The individual is personally served with summons or
8 notice within this State;

9 (2) The individual submits to the jurisdiction of this
10 State by consent~~[7]~~ in a record, by entering a general
11 appearance, or by filing a responsive document having
12 the effect of waiving any contest to personal
13 jurisdiction;

14 (3) The individual resided with the child in this State;

15 (4) The individual resided in this State and provided
16 prenatal expenses or support for the child;

17 (5) The child resides in this State as a result of the
18 acts or directives of the individual;

19 (6) The individual engaged in sexual intercourse in this
20 State and the child may have been conceived by that
21 act of intercourse;



(7) The individual asserted parentage of the child in the office of health status monitoring maintained in this State by the department of health; or

(8) There is any other basis consistent with the constitutions of this State and the United States for the exercise of personal jurisdiction.

(b) The bases of personal jurisdiction set forth in subsection (a) or in any other law of this State may not be used to acquire personal jurisdiction for a tribunal of this State to modify a child support order of another state unless the requirements of section 576B-611 are met, or in the case of a foreign support order, unless the requirements of section 576B-615 are met.

~~[+] §576B-202 [] Procedure when exercising jurisdiction over nonresident. A tribunal of this State exercising personal jurisdiction over a nonresident under section 576B-201 may apply section 576B-316 to receive evidence from another state, and section 576B-318 to obtain discovery through a tribunal of another state. In all other respects, Articles 3 through 7 shall not apply and the tribunal shall apply the procedural and substantive law of this State, including the rules on choice of~~



1 ~~law other than those established by this chapter.]~~ Duration of
2 personal jurisdiction. Personal jurisdiction acquired by a
3 tribunal of this State in a proceeding under this chapter or
4 other law of this State relating to a support order continues as
5 long as a tribunal of this State has continuing, exclusive
6 jurisdiction to modify its order or continuing jurisdiction to
7 enforce its order as provided by sections 576B-205, 576B-206,
8 and 576B-211.

9 ~~[PART II. PROCEEDINGS INVOLVING TWO OR MORE STATES~~

10 ~~{}~~ §576B-203 ~~{}~~ Initiating and responding tribunal of
11 State. Under this chapter, a tribunal of this State may serve
12 as an initiating tribunal to forward proceedings to a tribunal
13 of another state, and as a responding tribunal for proceedings
14 initiated in another state~~[-]~~ or a foreign country.

15 ~~{}~~ §576B-204 ~~{}~~ Simultaneous proceedings ~~[in another~~
16 ~~state]~~. (a) A tribunal of this State may exercise jurisdiction
17 to establish a support order if the petition or comparable
18 pleading is filed ~~[in this State]~~ after a pleading is filed in
19 another state or a foreign country only if:

- 20 (1) The petition or comparable pleading in this State is
21 filed before the expiration of the time allowed in the



1 other state or the foreign country for filing a
2 responsive pleading challenging the exercise of
3 jurisdiction by the other state[7] or the foreign
4 country;

5 (2) The contesting party timely challenges the exercise of
6 jurisdiction in the other state[7] or the foreign
7 country; and

8 (3) If relevant, this State is the home state of the
9 child.

10 (b) A tribunal of this State may not exercise jurisdiction
11 to establish a support order if the petition or comparable
12 pleading is filed [~~in this State~~] before a petition or
13 comparable pleading is filed in another state or a foreign
14 country if:

15 (1) The petition or comparable pleading in the other state
16 or foreign country is filed before the expiration of
17 the time allowed in this State for filing a responsive
18 pleading challenging the exercise of jurisdiction by
19 this State;

20 (2) The contesting party timely challenges the exercise of
21 jurisdiction in this State; and



(3) If relevant, the other state or foreign country is the home state of the child.

[+]§576B-205[+] Continuing, exclusive jurisdiction[-] to modify child support order. (a) A tribunal of this State ~~[issuing]~~ that has issued a child support order consistent with the law of this State has and shall exercise continuing, exclusive jurisdiction ~~[ever-a]~~ to modify its child support order[+] if the order is the controlling order and:

(1) ~~[As long as]~~ At the time of the filing of a request for modification this State ~~[remains]~~ is the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or

(2) ~~[Until all of the parties who are individuals have filed written consents with the tribunal of this State for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.]~~ Even if this State is not the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued, the parties consent in a record or in open court that the tribunal of this



1 State may continue to exercise jurisdiction to modify
2 its order.

3 (b) A tribunal of this State [~~issuing~~] that has issued a
4 child support order consistent with the law of this State may
5 not exercise [~~its~~] continuing, exclusive jurisdiction to modify
6 the order if [~~the order has been modified by a tribunal of~~
7 ~~another state pursuant to this chapter or a law substantially~~
8 ~~similar to this chapter.]:~~

9 (1) All of the parties who are individuals file consent in
10 a record with the tribunal of this State that a
11 tribunal of another state that has jurisdiction over
12 at least one of the parties who is an individual or
13 that is located in the state of residence of the child
14 may modify the order and assume continuing, exclusive
15 jurisdiction; or

16 (2) Its order is not the controlling order.

17 ~~[(c) If a child support order of this State is modified by~~
18 ~~a tribunal of another state pursuant to this chapter or a law~~
19 ~~substantially similar to this chapter, a tribunal of this State~~
20 ~~loses its continuing, exclusive jurisdiction with regard to~~



1 ~~prospective enforcement of the order issued in this State, and~~
2 ~~may only:~~

3 ~~(1) Enforce the order that was modified as to amounts~~
4 ~~accruing before the modification;~~

5 ~~(2) Enforce nonmodifiable aspects of that order; and~~

6 ~~(3) Provide other appropriate relief for violations of~~
7 ~~that order which occurred before the effective date of~~
8 ~~the modification.~~

9 ~~(d) A tribunal of this State shall recognize the~~
10 ~~continuing, exclusive jurisdiction of a tribunal of another~~
11 ~~state which has issued a child support order pursuant to this~~
12 ~~chapter or a law substantially similar to this chapter.]~~

13 (c) If a tribunal of another state has issued a child
14 support order pursuant to the Uniform Interstate Family Support
15 Act or a law substantially similar to that Act that modifies a
16 child support order of a tribunal of this State, tribunals of
17 this State shall recognize the continuing, exclusive
18 jurisdiction of the tribunal of the other state.

19 (d) A tribunal of this State that lacks continuing,
20 exclusive jurisdiction to modify a child support order may serve



1 as an initiating tribunal to request a tribunal of another state
2 to modify a support order issued in that state.

3 (e) A temporary support order issued ex parte or pending
4 resolution of a jurisdictional conflict does not create
5 continuing, exclusive jurisdiction in the issuing tribunal.

6 ~~[(f) A tribunal of this State issuing a support order~~
7 ~~consistent with the law of this State has continuing, exclusive~~
8 ~~jurisdiction over a spousal support order throughout the~~
9 ~~existence of the support obligation. A tribunal of this State~~
10 ~~may not modify a spousal support order issued by a tribunal of~~
11 ~~another state having continuing, exclusive jurisdiction over~~
12 ~~that order under the law of that state.~~

13 ~~[§576B-206 [Enforcement and modification of support~~
14 ~~order by tribunal having continuing jurisdiction.] Continuing~~
15 jurisdiction to enforce child support order. (a) A tribunal of
16 this State that has issued a child support order consistent with
17 the law of this State may serve as an initiating tribunal to
18 request a tribunal of another state to enforce ~~[or modify a~~
19 ~~support order issued in that state.]~~:

20 (1) The order if the order is the controlling order and
21 has not been modified by a tribunal of another state



1 that assumed jurisdiction pursuant to the Uniform
2 Interstate Family Support Act; or

3 (2) A money judgment for arrears of support and interest
4 on the order accrued before a determination that an
5 order of a tribunal of another state is the
6 controlling order.

7 (b) A tribunal of this State [~~that has~~] having
8 continuing[, ~~exclusive~~] jurisdiction over a support order may
9 act as a responding tribunal to enforce [~~or modify~~] the order.
10 [~~If a party subject to the continuing, exclusive jurisdiction of~~
11 ~~the tribunal no longer resides in the issuing state, in~~
12 ~~subsequent proceedings the tribunal may apply section 576B-316~~
13 ~~to receive evidence from another state and section 576B-318 to~~
14 ~~obtain discovery through a tribunal of another state.~~

15 ~~(c) A tribunal of this State which lacks continuing,~~
16 ~~exclusive jurisdiction over a spousal support order may not~~
17 ~~serve as a responding tribunal to modify a spousal support order~~
18 ~~of another state.~~

19 ~~PART III. RECONCILIATION OF MULTIPLE ORDERS]~~

20 §576B-207 [~~Recognition~~] Determination of controlling child
21 support [~~orders.~~] order. (a) If a proceeding is brought under



1 this chapter and only one tribunal has issued a child support
2 order, the order of that tribunal controls and ~~[must]~~ shall be
3 ~~[se]~~ recognized.

4 (b) If a proceeding is brought under this chapter, and two
5 or more child support orders have been issued by tribunals of
6 this State ~~[or]~~, another state, or a foreign country with regard
7 to the same obligor and same child, a tribunal of this State
8 having personal jurisdiction over both the obligor and
9 individual obligee shall apply the following rules ~~[in~~
10 ~~determining]~~ and by order shall determine which order ~~[to~~
11 ~~recognize for purposes of continuing, exclusive jurisdiction:]~~
12 shall control and be recognized:

13 (1) If only one of the tribunals would have continuing,
14 exclusive jurisdiction under this chapter, the order
15 of that tribunal controls ~~[and must be so recognized]~~.

16 (2) If more than one of the tribunals would have
17 continuing, exclusive jurisdiction under this
18 chapter ~~[,--an]~~:

19 (A) An order issued by a tribunal in the current home
20 state of the child controls ~~[and must be so~~
21 ~~recognized, but if]~~ ; or



1 (B) If an order has not been issued in the current
2 home state of the child, the order most recently
3 issued controls ~~[and must be so recognized]~~.

4 (3) If none of the tribunals would have continuing,
5 exclusive jurisdiction under this chapter, the
6 tribunal of this State ~~[having jurisdiction over the~~
7 ~~parties]~~ shall issue a child support order, which
8 controls ~~[and must be so recognized]~~.

9 (c) If two or more child support orders have been issued
10 for the same obligor and same child ~~[and if the obligor or the~~
11 ~~individual obligee resides in this State]~~, upon request of a
12 party ~~[may request]~~ who is an individual or that is a support
13 enforcement agency, a tribunal of this State ~~[to]~~ having
14 personal jurisdiction over both the obligor and the obligee who
15 is an individual shall determine which order controls ~~[and must~~
16 ~~be so recognized]~~ under subsection (b). ~~[The request must be~~
17 ~~accompanied by a certified copy of every support order in~~
18 ~~effect. The requesting party shall give notice of the request~~
19 ~~to each party whose rights may be affected by the~~
20 ~~determination.]~~ The request may be filed with a registration for



1 enforcement or registration for modification pursuant to Article
2 6, or may be filed as a separate proceeding.

3 (d) A request to determine which is the controlling order
4 shall be accompanied by a copy of every child support order in
5 effect and the applicable record of payments. The requesting
6 party shall give notice of the request to each party whose
7 rights may be affected by the determination.

8 For the purposes of this subsection, service of the notice
9 shall be by personal service or certified mail, return receipt
10 requested. After initial service is effected, additional
11 service upon a party shall be satisfied by regular mail to the
12 party's last known address. In any child support enforcement
13 proceedings subsequent to an order, upon a showing that diligent
14 effort has been made to ascertain the location of a party,
15 notice of service of process shall be presumed to be satisfied
16 upon delivery of written notice to the most recent residential
17 or employer address on file with the state case registry.

18 ~~[(d)]~~ (e) The tribunal that issued the controlling order
19 under subsection (a), (b), or (c) ~~[is the tribunal that]~~ has
20 continuing~~[, exclusive]~~ jurisdiction ~~[under section 576B-205.]~~
21 to the extent provided in section 576B-205 or 576B-206.



1 ~~[(e)]~~ (f) A tribunal of this State ~~[which]~~ that determines
2 by order ~~[the identity of]~~ which is the controlling order under
3 subsection (b)(1) or (2) or ~~[which]~~ (c), or that issues a new
4 controlling order under subsection (b)(3), shall state in that
5 order ~~[the]~~ :

6 (1) The basis upon which the tribunal made its
7 determination~~[-]~~ ;

8 (2) The amount of prospective support, if any; and

9 (3) The total amount of consolidated arrears and accrued
10 interest, if any, under all of the orders after all
11 payments made are credited as provided by section
12 576B-209.

13 ~~[(f)]~~ (g) Within thirty days after issuance of an order
14 determining ~~[the identity of]~~ which is the controlling order,
15 the party obtaining the order shall file a certified copy of it
16 ~~[with]~~ in each tribunal that issued or registered an earlier
17 order of child support. A party ~~[who obtains]~~ or support
18 enforcement agency obtaining the order ~~[and]~~ that fails to file
19 a certified copy is subject to appropriate sanctions by a
20 tribunal in which the issue of failure to file arises. The



1 failure to file does not affect the validity or enforceability
2 of the controlling order.

3 (h) An order that has been determined to be the
4 controlling order, or a judgment for consolidated arrears of
5 support and interest, if any, made pursuant to this section must
6 be recognized in proceedings under this chapter.

7 ~~[+]§576B-208 []-Multiple child~~ Child support orders for
8 two or more obligees. In responding to ~~[multiple]~~ registrations
9 or petitions for enforcement of two or more child support orders
10 in effect at the same time with regard to the same obligor and
11 different individual obligees, at least one of which was issued
12 by a tribunal of another state~~[7]~~ or a foreign country, a
13 tribunal of this State shall enforce those orders in the same
14 manner as if the ~~[multiple]~~ orders had been issued by a tribunal
15 of this State.

16 ~~[+]§576B-209 []-~~ Credit for payments. ~~[Amounts]~~ A tribunal
17 of this State shall credit amounts collected ~~[and credited]~~ for
18 a particular period pursuant to ~~[a support order]~~ any child
19 support order against the amounts owed for the same period under
20 any other child support order for support of the same child
21 issued by a tribunal of this State, another state ~~[must be]~~



1 ~~credited against the amounts accruing or accrued for the same~~
2 ~~period under a support order issued by the tribunal of this~~
3 ~~State.], or a foreign country.~~

4 §576B-210 Application of chapter to nonresident subject to
5 personal jurisdiction. A tribunal of this State exercising
6 personal jurisdiction over a nonresident in a proceeding under
7 this chapter, under other law of this State relating to a
8 support order, or recognizing a foreign support order may
9 receive evidence from outside this State pursuant to section
10 576B-316, communicate with a tribunal outside this State
11 pursuant to section 576B-317, and obtain discovery through a
12 tribunal outside this State pursuant to section 576B-318. In
13 all other respects, Articles 3 through 6 do not apply, and the
14 tribunal shall apply the procedural and substantive law of this
15 State.

16 §576B-211 Continuing, exclusive jurisdiction to modify
17 spousal support order. (a) A tribunal of this State issuing a
18 spousal support order consistent with the law of this State has
19 continuing, exclusive jurisdiction to modify the spousal support
20 order throughout the existence of the support obligation.



1 (b) A tribunal of this State may not modify a spousal
2 support order issued by a tribunal of another state or a foreign
3 country having continuing, exclusive jurisdiction over that
4 order under the law of that state or foreign country.

5 (c) A tribunal of this State that has continuing,
6 exclusive jurisdiction over a spousal support order may serve
7 as:

8 (1) An initiating tribunal to request a tribunal of
9 another state to enforce the spousal support order
10 issued in this State; or

11 (2) A responding tribunal to enforce or modify its own
12 spousal support order.

13 ARTICLE 3. CIVIL PROVISIONS OF GENERAL APPLICATION

14 ~~[+]§576B-301[+]~~ Proceedings under this chapter. (a)

15 Except as otherwise provided in this chapter, this article
16 applies to all proceedings under this chapter.

17 ~~[(b) This chapter provides for the following proceedings:]~~

18 ~~(1) Establishment of an order for spousal support or child~~
19 ~~support pursuant to Article 4;~~



1 ~~(2) Enforcement of a support order and income withholding~~
2 ~~order of another state without registration pursuant~~
3 ~~to Article 5;~~

4 ~~(3) Registration of an order for spousal support or child~~
5 ~~support of another state for enforcement pursuant to~~
6 ~~Article 6;~~

7 ~~(4) Modification of an order for child support or spousal~~
8 ~~support issued by a tribunal of this State pursuant to~~
9 ~~Article 2, part II;~~

10 ~~(5) Registration of an order for child support of another~~
11 ~~state for modification pursuant to Article 6;~~

12 ~~(6) Determination of parentage pursuant to Article 7; and~~

13 ~~(7) Assertion of jurisdiction over nonresidents pursuant~~
14 ~~to Article 2, part I.~~

15 ~~(e)]~~ (b) An individual petitioner or a support enforcement
16 agency may ~~[commence]~~ initiate a proceeding authorized under
17 this chapter by filing a petition in an initiating tribunal for
18 forwarding to a responding tribunal or by filing a petition or a
19 comparable pleading directly in a tribunal of another state or a
20 foreign country which has or can obtain personal jurisdiction
21 over the respondent.



1 ~~[+] §576B-302 [-] Action~~ Proceeding by minor parent. A

2 minor parent, or a guardian or other legal representative of a
3 minor parent, may maintain a proceeding on behalf of or for the
4 benefit of the minor's child.

5 ~~[+] §576B-303 [-]~~ Application of law of State. Except as
6 otherwise provided ~~[by]~~ in this chapter, a responding tribunal
7 of this State~~[+]~~ shall:

8 (1) ~~[Shall apply]~~ Apply the procedural and substantive
9 law~~[, including the rules on choice of law,]~~ generally
10 applicable to similar proceedings originating in this
11 State and may exercise all powers and provide all
12 remedies available in those proceedings; and

13 (2) ~~[Shall determine]~~ Determine the duty of support and
14 the amount payable in accordance with the law and
15 support guidelines of this State.

16 ~~[+] §576B-304 [-]~~ Duties of initiating tribunal. (a) Upon
17 the filing of a petition authorized by this chapter, an
18 initiating tribunal of this State shall forward ~~[three copies~~
19 ~~of]~~ the petition and its accompanying documents:

20 (1) To the responding tribunal or appropriate support
21 enforcement agency in the responding state; or



(2) If the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

(b) If ~~[a responding state has not enacted this chapter or a law or procedure substantially similar to this chapter,]~~ requested by the responding tribunal, a tribunal of this State ~~[may]~~ shall issue a certificate or other document and make findings required by the law of the responding state. If the responding ~~[state]~~ tribunal is in a foreign ~~[jurisdiction,]~~ country, upon request the tribunal ~~[may]~~ of this State shall specify the amount of support sought, convert that amount into the equivalent amount in the foreign currency under applicable official or market exchange rate as publicly reported, and provide any other documents necessary to satisfy the requirements of the responding ~~[state-]~~ foreign tribunal.

~~[+]~~ §576B-305 ~~[+]~~ Duties and powers of responding tribunal.

(a) When a responding tribunal of this State receives a petition or comparable pleading from an initiating tribunal or directly pursuant to section ~~[576B-301(e),]~~ 576B-301(b), it



1 shall cause the petition or pleading to be filed and notify the
2 petitioner where and when it was filed.

3 (b) A responding tribunal of this State, to the extent
4 ~~[otherwise authorized]~~ not prohibited by other law, may do one
5 or more of the following:

6 (1) ~~[Issue]~~ Establish or enforce a support order, modify a
7 child support order, determine the controlling child
8 support order, or ~~[render a judgment to]~~ determine
9 parentage~~[+]~~ of a child;

10 (2) Order an obligor to comply with a child support order,
11 specifying the amount and the manner of compliance;

12 (3) Order income withholding;

13 (4) Determine the amount of any arrearages, and specify a
14 method of payment;

15 (5) Enforce orders by civil or criminal contempt, or both;

16 (6) Set aside property for satisfaction of the support
17 order;

18 (7) Place liens and order execution on the obligor's
19 property;

20 (8) Order an obligor to keep the tribunal informed of the
21 obligor's current residential address, electronic mail



1 address, telephone number, employer, address of
2 employment, and telephone number at the place of
3 employment;

4 (9) Issue a bench warrant for an obligor who has failed
5 after proper notice to appear at a hearing ordered by
6 the tribunal and enter the bench warrant in any local
7 and state computer systems for criminal warrants;

8 (10) Order the obligor to seek appropriate employment by
9 specified methods;

10 (11) Award reasonable attorney's fees and other fees and
11 costs; and

12 (12) Grant any other available remedy.

13 (c) A responding tribunal of this State shall include in a
14 support order issued under this chapter, or in the documents
15 accompanying the order, the calculations on which the [child]
16 support order is based.

17 (d) A responding tribunal of this State may not condition
18 the payment of a support order issued under this chapter upon
19 compliance by a party with provisions for visitation.

20 (e) If a responding tribunal of this State issues an order
21 under this chapter, the tribunal shall send a copy of the order



1 to the petitioner and the respondent and to the initiating
2 tribunal, if any.

3 (f) If requested to enforce a support order, arrears, or
4 judgment or modify a support order stated in a foreign currency,
5 a responding tribunal of this State shall convert the amount
6 stated in the foreign currency to the equivalent amount in
7 United States dollars under the applicable official or market
8 exchange rate as publicly reported.

9 ~~[+]§576B-306[+]~~ **Inappropriate tribunal.** If a petition or
10 comparable pleading is received by an inappropriate tribunal of
11 this State, that tribunal shall forward the pleading and
12 accompanying documents to an appropriate tribunal ~~[in]~~ of this
13 State or another state and notify the petitioner where and when
14 the pleading was sent.

15 ~~[+]§576B-307[+]~~ **Duties of support enforcement agency.** (a)
16 ~~[The child]~~ A support enforcement agency of this State, upon
17 request, shall provide services to a petitioner in a proceeding
18 under this chapter.

19 (b) A support enforcement agency of this State that is
20 providing services to the petitioner ~~[as appropriate]~~ shall:



- 1 (1) Take all steps necessary to enable an appropriate
2 tribunal ~~[in this State or another state]~~ of this
3 State, another state, or a foreign country to obtain
4 jurisdiction over the respondent ~~[and to process all~~
5 ~~registration requests received from an individual who~~
6 ~~has applied for child support enforcement agency~~
7 ~~services or support enforcement agencies in other~~
8 ~~jurisdictions]~~;
- 9 (2) Request an appropriate tribunal to set a date, time,
10 and place for a hearing;
- 11 (3) Make a reasonable effort to obtain all relevant
12 information, including information as to income and
13 property of the parties;
- 14 (4) Within two days, exclusive of Saturdays, Sundays, and
15 legal holidays, after receipt of ~~[a written]~~ notice in
16 a record from an initiating, responding, or
17 registering tribunal, send a copy of the notice to the
18 petitioner;
- 19 (5) Within two days, exclusive of Saturdays, Sundays, and
20 legal holidays, after receipt of ~~[a written]~~
21 communication in a record from the respondent or the



1 respondent's attorney, send a copy of the
2 communication to the petitioner; and

3 (6) Notify the petitioner if jurisdiction over the
4 respondent cannot be obtained.

5 (c) A support enforcement agency of this State that
6 requests registration of a child support order in this State for
7 enforcement or for modification shall make reasonable efforts:

8 (1) To ensure that the order to be registered is the
9 controlling order; or

10 (2) If two or more child support orders exist and the
11 identity of the controlling order has not been
12 determined, to ensure that a request is made to a
13 tribunal having jurisdiction to make the
14 determination.

15 (d) A support enforcement agency of this State that
16 requests registration and enforcement of a support order,
17 arrears, or judgment stated in a foreign currency shall convert
18 the amounts stated in the foreign currency into the equivalent
19 amounts in United States dollars under the applicable official
20 or market exchange rate as publicly reported.



1 (e) A support enforcement agency of this State shall issue
2 or request a tribunal of this State to issue a child support
3 order and an income withholding order that redirect payment of
4 current support, arrears, and interest if requested to do so by
5 a support enforcement agency of another state pursuant to
6 section 576B-319.

7 [~~e~~] (f) This chapter does not create or negate a
8 relationship of attorney and client or other fiduciary
9 relationship between a support enforcement agency or the
10 attorney for the agency and the individual being assisted by the
11 agency.

12 [~~+~~] §576B-308 [~~+~~] Duty of attorney general. (a) If the
13 attorney general determines that the support enforcement agency
14 is neglecting or refusing to provide services to an individual,
15 the attorney general may order the agency to perform its duties
16 under this chapter or may provide those services directly to the
17 individual.

18 (b) The attorney general may determine that a foreign
19 country has established a reciprocal arrangement for child
20 support with this State and take appropriate action for
21 notification of the determination.



1 [+]§576B-309[+] Private counsel. An individual may employ
2 private counsel to represent the individual in proceedings
3 authorized by this chapter.

4 [+]§576B-310[+] Duties of child support enforcement agency
5 as state information agency. (a) The child support enforcement
6 agency is the state information agency under this chapter.

7 (b) The state information agency shall:

8 (1) Compile and maintain a current list, including
9 addresses, of the tribunals in this State ~~[which]~~ that
10 have jurisdiction under this chapter and any support
11 enforcement agencies in this State and transmit a copy
12 to the state information agency of every other state;

13 (2) Maintain a register of names and addresses of
14 tribunals and support enforcement agencies received
15 from other states;

16 (3) Forward to the appropriate tribunal in the ~~[place]~~
17 county in this State in which the ~~[individual]~~ obligee
18 who is an individual or the obligor resides, or in
19 which the obligor's property is believed to be
20 located, all documents concerning a proceeding under
21 this chapter received from ~~[an initiating tribunal, an~~



1 ~~individual, or the state information agency of the~~
2 ~~initiating state,]~~ another state or a foreign country;
3 and

4 (4) Obtain information concerning the location of the
5 obligor and the obligor's property within this State
6 not exempt from execution, by such means as postal
7 verification and federal or state locator services,
8 examination of telephone directories, requests for the
9 obligor's address from employers, and examination of
10 governmental records, including, to the extent not
11 prohibited by other law, those relating to real
12 property, vital statistics, law enforcement, taxation,
13 motor vehicles, driver's licenses, and social
14 security.

15 ~~[+]~~ §576B-311 ~~[+]~~ Pleadings and accompanying documents. (a)

16 ~~[A]~~ In a proceeding under this chapter, a petitioner seeking to
17 establish ~~[or modify]~~ a support order ~~[or]~~, to determine
18 parentage ~~[in a proceeding under this chapter must verify the]~~
19 of a child, or to register and modify a support order of a
20 tribunal of another state or a foreign country shall file a
21 petition. Unless otherwise ordered under section 576B-312, the



1 petition or accompanying documents ~~[must]~~ shall provide, ~~[so far~~
2 ~~as is]~~ if known, the name, residential address, and social
3 security numbers of the obligor and the obligee~~[,]~~ or the parent
4 and alleged parent, and the name, sex, residential address,
5 social security number, and date of birth of each child for
6 ~~[whom]~~ whose benefit support is sought~~[. The]~~ or whose
7 parentage is to be determined. Unless filed at the time of
8 registration, the petition ~~[must]~~ shall be accompanied by a
9 ~~[certified]~~ copy of any support order ~~[in effect.]~~ known to have
10 been issued by another tribunal. The petition may include any
11 other information that may assist in locating or identifying the
12 respondent.

13 (b) The petition ~~[must]~~ shall specify the relief sought.
14 The petition and accompanying documents ~~[must]~~ shall conform
15 substantially with the requirements imposed by the forms
16 mandated by federal law for use in cases filed by a support
17 enforcement agency.

18 ~~[+]~~ §576B-312 ~~[+]~~ Nondisclosure of information in
19 exceptional circumstances. ~~[Upon a finding, which may be made~~
20 ~~ex parte, that the health, safety, or liberty of a party or~~
21 ~~child would be unreasonably put at risk by the disclosure of~~



1 ~~identifying information, or if an existing order so provides, a~~
2 ~~tribunal shall order that the address of the child or party or~~
3 ~~other identifying information not be disclosed in a pleading or~~
4 ~~other document filed in a proceeding under this chapter.] If a~~
5 party alleges in an affidavit or a pleading under oath that the
6 health, safety, or liberty of a party or child would be
7 jeopardized by disclosure of specific identifying information,
8 that information shall be sealed and shall not be disclosed to
9 the other party or the public. After a hearing in which a
10 tribunal takes into consideration the health, safety, or liberty
11 of the party or child, the tribunal may order disclosure of
12 information that the tribunal determines to be in the interest
13 of justice.

14 ~~[+]§576B-313[+]~~ **Costs and fees.** (a) The petitioner may
15 not be required to pay a filing fee or other costs.

16 (b) If an obligee prevails, a responding tribunal of this
17 State may assess against an obligor filing fees, reasonable
18 attorney's fees, other costs, and necessary travel and other
19 reasonable expenses incurred by the obligee and the obligee's
20 witnesses. The tribunal may not assess fees, costs, or expenses
21 against the obligee or the support enforcement agency of either



1 the initiating or the responding state[7] or foreign country,
2 except as provided by other law. Attorney's fees may be taxed
3 as costs, and may be ordered paid directly to the attorney, who
4 may enforce the order in the attorney's own name. Payment of
5 support owed to the obligee has priority over fees, costs, and
6 expenses.

7 (c) The tribunal shall order the payment of costs and
8 reasonable attorney's fees if it determines that a hearing was
9 requested primarily for delay. In a proceeding under Article 6,
10 a hearing is presumed to have been requested primarily for delay
11 if a registered support order is confirmed or enforced without
12 change.

13 [†]§576B-314 [†] Limited immunity of petitioner. (a)
14 Participation by a petitioner in a proceeding under this chapter
15 before a responding tribunal, whether in person, by private
16 attorney, or through services provided by the support
17 enforcement agency, does not confer personal jurisdiction over
18 the petitioner in another proceeding.

19 (b) A petitioner is not amenable to service of civil
20 process while physically present in this State to participate in
21 a proceeding under this chapter.



(c) The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this chapter committed by a party while physically present in this State to participate in the proceeding.

[+]§576B-315[+] **Nonparentage as defense.** A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under this chapter.

[+]§576B-316[+] **Special rules of evidence and procedure.**

(a) The physical presence of ~~[the petitioner]~~ a nonresident party who is an individual in a ~~[responding]~~ tribunal of this State is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage~~[-]~~ of a child.

(b) ~~[A verified petition, an]~~ An affidavit, a document substantially complying with federally mandated forms, ~~[and]~~ or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule if given in person, is admissible in evidence if given under ~~[oath]~~ penalty of perjury by a party or witness residing ~~[in another state.]~~ outside this State.



1 (c) A copy of the record of child support payments
2 certified as a true copy of the original by the custodian of the
3 record may be forwarded to a responding tribunal. The copy is
4 evidence of facts asserted in it, and is admissible to show
5 whether payments were made.

6 (d) Copies of bills for testing for parentage~~[7]~~ of a
7 child, and for prenatal and postnatal health care of the mother
8 and child, furnished to the adverse party at least ten days
9 before trial, are admissible in evidence to prove the amount of
10 the charges billed and that the charges were reasonable,
11 necessary, and customary.

12 (e) Documentary evidence transmitted from ~~[another state]~~
13 outside this State to a tribunal of this State by telephone,
14 telecopier, or other electronic means that do not provide an
15 original ~~[writing]~~ record may not be excluded from evidence on
16 an objection based on the means of transmission.

17 (f) In a proceeding under this chapter, a tribunal of this
18 State ~~[may]~~ shall permit a party or witness residing ~~[in another~~
19 ~~state]~~ outside this State to be deposed or to testify under
20 penalty of perjury by telephone, audiovisual means, or other
21 electronic means at a designated tribunal or other location ~~[in~~



1 ~~that state]~~. A tribunal of this State shall cooperate with
2 other tribunals [~~of other states~~] in designating an appropriate
3 location for the deposition or testimony.

4 (g) If a party called to testify at a civil hearing
5 refuses to answer on the ground that the testimony may be self-
6 incriminating, the trier of fact may draw an adverse inference
7 from the refusal.

8 (h) A privilege against disclosure of communications
9 between spouses does not apply in a proceeding under this
10 chapter.

11 (i) The defense of immunity based on the relationship of
12 husband and wife or parent and child does not apply in a
13 proceeding under this chapter.

14 (j) A voluntary acknowledgment of paternity, certified as
15 a true copy, is admissible to establish parentage of the child.

16 ~~[+]~~ §576B-317 ~~[+]~~ Communications between tribunals. A
17 tribunal of this State may communicate with a tribunal [~~of~~
18 ~~another state~~] outside this State in [~~writing,~~] a record or by
19 telephone, electronic mail, or other means, to obtain
20 information concerning the laws [~~of that state~~], the legal
21 effect of a judgment, decree, or order of that tribunal, and the



1 status of a proceeding [~~in the other state~~]. A tribunal of this
2 State may furnish similar information by similar means to a
3 tribunal [~~of another state.~~] outside this State.

4 [+]§576B-318[+] Assistance with discovery. A tribunal of
5 this State may:

6 (1) Request a tribunal [~~of another state~~] outside this
7 State to assist in obtaining discovery; and

8 (2) Upon request, compel a person over [~~whom~~] which it has
9 jurisdiction to respond to a discovery order issued by
10 a tribunal [~~of another state.~~] outside this State.

11 [+]§576B-319[+] Receipt and disbursement of payments. (a)

12 A support enforcement agency or tribunal of this State shall
13 disburse promptly any amounts received pursuant to a support
14 order, as directed by the order. The agency or tribunal shall
15 furnish to a requesting party or tribunal of another state or a
16 foreign country a certified statement by the custodian of the
17 record of the amounts and dates of all payments received.

18 (b) If neither the obligor, nor the obligee who is an
19 individual, nor the child resides in this State, upon request
20 from the support enforcement agency of this State or another



1 state, the support enforcement agency of this State or a
2 tribunal of this State shall:

3 (1) Direct that the support payment be made to the support
4 enforcement agency in the state in which the obligee
5 is receiving services; and

6 (2) Issue and send to the obligor's employer a conforming
7 income withholding order or an administrative notice
8 of change of payee, reflecting the redirected
9 payments.

10 (c) The support enforcement agency of this State
11 receiving redirected payments from another state pursuant to a
12 law similar to subsection (b) shall furnish to a requesting
13 party or tribunal of the other state a certified statement by
14 the custodian of the record of the amount and dates of all
15 payments received.

16 ARTICLE 4. ESTABLISHMENT OF SUPPORT ORDER

17 OR DETERMINATION OF PARENTAGE

18 ~~[+] §576B-401 [] — Petition to establish~~ Establishment of
19 support order. (a) If a support order entitled to recognition
20 under this chapter has not been issued, a responding tribunal of



1 this State with personal jurisdiction over the parties may issue
2 a support order if:

3 (1) The individual seeking the order resides [~~in another~~
4 ~~state,~~] outside this State; or

5 (2) The support enforcement agency seeking the order is
6 located [~~in another state.~~] outside this State.

7 (b) The tribunal may issue a temporary child support order
8 if [:-

9 ~~(1) The respondent has signed a verified statement~~
10 ~~acknowledging parentage;~~

11 ~~(2) The respondent has been determined by or pursuant to~~
12 ~~law to be the parent; or~~

13 ~~(3) There is other clear and convincing evidence that the~~
14 ~~respondent is the child's parent.]~~

15 the tribunal determines that the order is appropriate and the
16 individual ordered to pay is:

17 (1) A presumed father of the child;

18 (2) Petitioning to have paternity adjudicated;

19 (3) Identified as the father of the child through genetic
20 testing;



1 (4) An alleged father who has declined to submit to
2 genetic testing;

3 (5) Shown by clear and convincing evidence to be the
4 father of the child;

5 (6) An acknowledged father as provided by section 584-3.5;

6 (7) The mother of the child; or

7 (8) An individual who has been ordered to pay child
8 support in a previous proceeding and the order has not
9 been reversed or vacated.

10 (c) Upon finding, after notice and opportunity to be
11 heard, that an obligor owes a duty of support, the tribunal
12 shall issue a support order directed to the obligor and may
13 issue other orders pursuant to section 576B-305.

14 §576B-402 Proceeding to determine parentage. (a) A
15 tribunal of this State authorized to determine parentage of a
16 child may serve as a responding tribunal in a proceeding to
17 determine parentage of a child brought under this chapter or a
18 law or procedure substantially similar to this chapter.

19 (b) In a proceeding to determine parentage, a responding
20 tribunal of this State shall apply chapter 584 and the rules of
21 this State on choice of law.



ARTICLE 5. ENFORCEMENT OF SUPPORT ORDER [~~OF ANOTHER~~
~~STATE~~] WITHOUT REGISTRATION

§576B-501 Employer's receipt of income withholding order of another state. An income withholding order issued in another state may be sent by or on behalf of the obligee, or by the support enforcement agency, to the person [~~or entity~~] defined as the obligor's employer under sections 571-52, 571-52.2, 571-52.3, 576D-14, and 576E-16, without first filing a petition or comparable pleading or registering the order with a tribunal of this State.

[+]§576B-502[+] Employer's compliance with income withholding order of another state. (a) Upon receipt of an income withholding order, the obligor's employer shall immediately provide a copy of the order to the obligor.

(b) The employer shall treat an income withholding order issued in another state [~~which~~] that appears regular on its face as if it had been issued by a tribunal of this State.

(c) Except as otherwise provided in subsection (d) and section 576B-503, the employer shall withhold and distribute the funds as directed in the withholding order by complying with the terms of the order [~~which~~] that specify:



- 1 (1) The duration and the amount of periodic payments of
2 current child support, stated as a sum certain;
- 3 (2) The person [~~ex-agency~~] designated to receive payments
4 and the address to which the payments are to be
5 forwarded;
- 6 (3) Medical support, whether in the form of periodic cash
7 payment, stated as a sum certain, or ordering the
8 obligor to provide health insurance coverage for the
9 child under a policy available through the obligor's
10 employment;
- 11 (4) The amount of periodic payments of fees and costs for
12 a support enforcement agency, the issuing tribunal,
13 and the obligee's attorney, stated as sums certain;
14 and
- 15 (5) The amount of periodic payments of arrearages and
16 interest on arrearages, stated as sums certain.
- 17 (d) An employer shall comply with the law of the state of
18 the obligor's principal place of employment for withholding from
19 income with respect to:
- 20 (1) The employer's fee for processing an income
21 withholding order;



(2) The maximum amount permitted to be withheld from the obligor's income; and

(3) The times within which the employer must implement the withholding order and forward the child support payment.

[+]§576B-503[+]—~~Compliance~~ Employer's compliance with ~~[multiple]~~ two or more income withholding orders. If an obligor's employer receives ~~[multiple]~~ two or more income withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the ~~[multiple]~~ orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for ~~[multiple]~~ two or more child support obligees.

[+]§576B-504[+] Immunity from civil liability. An employer ~~[who]~~ that complies with an income withholding order issued in another state in accordance with this article is not subject to civil liability to an individual or agency with regard to the employer's withholding of child support from the obligor's income ~~[as to that income withholding order]~~.



1 ~~[+] §576B-505 [.]~~ Penalties for noncompliance. An employer
2 ~~[who]~~ that wilfully fails to comply with an income withholding
3 order issued ~~[by]~~ in another state and received for enforcement
4 ~~[is]~~ shall be subject to the same penalties that may be imposed
5 for noncompliance with an order issued by a tribunal of this
6 State.

7 ~~[+] §576B-506 [.]~~ Contest by obligor. (a) An obligor may
8 contest the validity or enforcement of an income withholding
9 order issued in another state and received directly by an
10 employer in this State by registering the order in a tribunal of
11 this State and filing a contest to that order as provided in
12 Article 6, or otherwise contesting the order in the same manner
13 as if the order had been issued by a tribunal of this State.

14 ~~[Section 576B-604 applies to the contest.]~~

15 (b) The obligor shall give notice of the contest to:

16 (1) A support enforcement agency providing services to the
17 obligee;

18 (2) Each employer that has directly received an income
19 withholding order~~[.]~~ relating to the obligor; and



(3) The person ~~[ex-agency]~~ designated to receive payments in the income withholding order~~[+]~~ or, if no person ~~[ex-agency]~~ is designated, to the obligee.

~~[+]~~ §576B-507 ~~[+]~~ Administrative enforcement of orders. (a)

A party or support enforcement agency seeking to enforce a support order or an income withholding order, or both, issued ~~[by a tribunal of]~~ in another state or a foreign support order may send the documents required for registering the order to a support enforcement agency of this State.

(b) Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of this State to enforce a support order or an income withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to this chapter.

ARTICLE 6. REGISTRATION, ENFORCEMENT, AND

MODIFICATION OF SUPPORT ORDER ~~[AFTER REGISTRATION]~~

PART I. REGISTRATION ~~[AND]~~ FOR ENFORCEMENT OF SUPPORT ORDER



1 [+]§576B-601[+] Registration of order for enforcement. A
2 support order or ~~[an]~~ income withholding order issued ~~[by a~~
3 ~~tribunal of]~~ in another state or a foreign support order may be
4 registered in this State for enforcement.

5 [+]§576B-602[+] Procedure to register order for
6 enforcement. (a) [A] Except as otherwise provided in section
7 576B-706, a support order or income withholding order of another
8 state or a foreign support order may be registered in this State
9 by sending the following ~~[documents and information]~~ records to
10 the registering tribunal ~~[+]~~ in this State:

11 (1) A letter of transmittal to the ~~[registering]~~ tribunal
12 requesting registration and enforcement;

13 (2) Two copies, including one certified copy, of ~~[all~~
14 ~~orders]~~ the order to be registered, including any
15 modification of ~~[an]~~ the order;

16 (3) A sworn statement by the ~~[party seeking]~~ person
17 requesting registration or a certified statement by
18 the custodian of the record showing the amount of any
19 arrearage;

20 (4) The name of the obligor and, if known:

21 (A) The obligor's address and social security number;



(B) The name and address of the obligor's employer
and any other source of income of the obligor;
and

(C) A description and the location of property of the
obligor in this State not exempt from execution;
and

(5) ~~[The]~~ Except as otherwise provided in section
576B-312, the name and address of the obligee and, if
applicable, the ~~[agency or]~~ person to whom support
payments are to be remitted.

(b) On receipt of a request for registration, the
registering tribunal shall cause the order to be filed as ~~[a~~
~~foreign judgment,]~~ an order of a tribunal of another state or a
foreign support order, together with one copy of the documents
and information, regardless of their form.

(c) A petition or comparable pleading seeking a remedy
that must be affirmatively sought under other law of this State
may be filed at the same time as the request for registration or
later. The pleading ~~[must]~~ shall specify the grounds for the
remedy sought.



1 (d) If two or more orders are in effect, the person
2 requesting registration shall:

3 (1) Furnish to the tribunal a copy of every support order
4 asserted to be in effect in addition to the documents
5 specified in this section;

6 (2) Specify the order alleged to be the controlling order,
7 if any; and

8 (3) Specify the amount of consolidated arrears, if any.

9 (e) A request for a determination of which is the
10 controlling order may be filed separately or with a request for
11 registration and enforcement or for registration and
12 modification. The person requesting registration shall give
13 notice of the request to each party whose rights may be affected
14 by the determination.

15 ~~[+]~~§576B-603~~[-]~~ **Effect of registration for enforcement.**

16 (a) A support order or income withholding order issued in
17 another state or a foreign support order is registered when the
18 order is filed in ~~[a tribunal]~~ the family court of this State.

19 (b) A registered support order issued in another state or
20 a foreign country is enforceable in the same manner and is



1 subject to the same procedures as an order issued by a tribunal
2 of this State.

3 (c) Except as otherwise provided in this [~~article~~],
4 chapter, a tribunal of this State shall recognize and enforce,
5 but may not modify, a registered support order if the issuing
6 tribunal had jurisdiction.

7 [~~§~~§576B-604~~§~~] Choice of law. (a) [~~The~~] Except as
8 otherwise provided in subsection (d), the law of the issuing
9 state or foreign country governs [~~the~~]:

10 (1) The nature, extent, amount, and duration of current
11 payments [~~and other obligations of support and the~~]
12 under a registered support order;

13 (2) The computation and payment of arrearages and accrual
14 of interest on the arrearages under the support
15 order~~[-]~~; and

16 (3) The existence and satisfaction of other obligations
17 under the support order.

18 (b) In a proceeding for [~~arrearages~~] arrears under a
19 registered support order, the statute of limitation [~~under the~~
20 ~~laws~~] of this State, or of the issuing state~~[-]~~ or foreign
21 country, whichever is longer, applies.



1 (c) A responding tribunal of this State shall apply the
2 procedures and remedies of this State to enforce current support
3 and collect arrears and interest due on a support order of
4 another state or foreign country registered in this State.

5 (d) After a tribunal of this State or another state
6 determines which is the controlling order and issues an order
7 consolidating arrears, if any, a tribunal of this State shall
8 prospectively apply the law of the state or foreign country
9 issuing the controlling order, including its law on interest on
10 arrears, on current and future support, and on consolidated
11 arrears.

12 PART II. CONTEST OF VALIDITY OR ENFORCEMENT

13 §576B-605 Notice of registration of order. (a) When a
14 support order or income withholding order issued in another
15 state or a foreign support order is registered, the registering
16 tribunal of this State shall notify the nonregistering party.
17 The notice must be accompanied by a copy of the registered order
18 and the documents and relevant information accompanying the
19 order.

20 (b) ~~[The]~~ A notice ~~[must]~~ shall inform the nonregistering
21 party:



1 (1) That a registered order is enforceable as of the date
2 of registration in the same manner as an order issued
3 by a tribunal of this State;

4 (2) That a hearing to contest the validity or enforcement
5 of the registered order must be requested within
6 twenty days after notice[+] unless the registered
7 order is under section 576B-707;

8 (3) That failure to contest the validity or enforcement of
9 the registered order in a timely manner will result in
10 confirmation of the order and enforcement of the order
11 and the alleged arrearages [~~and precludes further~~
12 ~~contest of that order with respect to any matter that~~
13 ~~could have been asserted~~]; and

14 (4) Of the amount of any alleged arrearages.

15 (c) If the registering party asserts that two or more
16 orders are in effect, a notice shall also:

17 (1) Identify the two or more orders and the order alleged
18 by the registering party to be the controlling order
19 and the consolidated arrears, if any;

20 (2) Notify the nonregistering party of the right to a
21 determination of which is the controlling order;



1 (3) State that the procedures provided in subsection (b)
2 apply to the determination of which is the controlling
3 order; and

4 (4) State that failure to contest the validity or
5 enforcement of the order alleged to be the controlling
6 order in a timely manner may result in confirmation
7 that the order is the controlling order.

8 [~~(e)~~] (d) Upon registration of an income withholding order
9 for enforcement, the support enforcement agency or the
10 registering tribunal shall notify the obligor's employer
11 pursuant to sections 571-52, 571-52.2, 571-52.3, 576D-14, and
12 576E-16.

13 [~~(d)~~] (e) For the purposes of this section, service of the
14 notice shall be by personal service or certified mail, return
15 receipt requested. After initial service is effected,
16 additional service upon a party shall be satisfied by regular
17 mail to the party's last known address. In any child support
18 enforcement proceedings subsequent to an order, upon a showing
19 that diligent effort has been made to ascertain the location of
20 a party, notice of service of process shall be presumed to be
21 satisfied upon delivery of written notice to the most recent



1 residential or employer address on file with the state case
2 registry.

3 §576B-606 Procedure to contest validity or enforcement of
4 registered support order. (a) A nonregistering party seeking
5 to contest the validity or enforcement of a registered order in
6 this State shall request a hearing within [~~twenty days after~~
7 ~~notice of the registration.~~] the time required by section
8 576B-605. The nonregistering party may seek to vacate the
9 registration, to assert any defense to an allegation of
10 noncompliance with the registered order, or to contest the
11 remedies being sought or the amount of any alleged arrearages
12 pursuant to section 576B-607.

13 (b) If the nonregistering party fails to contest the
14 validity or enforcement of the registered support order in a
15 timely manner, the order is confirmed by operation of law.

16 (c) If a nonregistering party requests a hearing to
17 contest the validity or enforcement of the registered support
18 order, the registering tribunal shall schedule the matter for
19 hearing and give notice to the parties of the date, time, and
20 place of the hearing.



(d) For the purposes of this section, service of the notice of a hearing regarding the validity or enforcement of the registered order, shall be satisfied by regular mail to the party's last known address. In any child support enforcement proceedings subsequent to an order, upon a showing that diligent effort has been made to ascertain the location of a party, notice of service of process shall be presumed to be satisfied upon delivery of written notice to the most recent residential or employer address on file with the state case registry.

[+]§576B-607[-] Contest of registration or enforcement.

(a) A party contesting the validity or enforcement of a registered support order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

- (1) The issuing tribunal lacked personal jurisdiction over the contesting party;
- (2) The order was obtained by fraud;
- (3) The order has been vacated, suspended, or modified by a later order;
- (4) The issuing tribunal has stayed the order pending appeal;



1 (5) There is a defense under the law of this State to the
2 remedy sought;

3 (6) Full or partial payment has been made; ~~[or]~~

4 (7) The statute of limitation under section 576B-604
5 precludes enforcement of some or all of the alleged
6 arrearages ~~[or]~~ or

7 (8) The alleged controlling order is not the controlling
8 order.

9 (b) If a party presents evidence establishing a full or
10 partial defense under subsection (a), a tribunal may stay
11 enforcement of ~~[the]~~ a registered support order, continue the
12 proceeding to permit production of additional relevant evidence,
13 and issue other appropriate orders. An uncontested portion of
14 the registered support order may be enforced by all remedies
15 available under the law of this State.

16 (c) If the contesting party does not establish a defense
17 under subsection (a) to the validity or enforcement of ~~[the]~~ a
18 registered support order, ~~[a tribunal of this State]~~ the
19 registering tribunal shall issue an order confirming the order.

20 ~~[+]~~ §576B-608 ~~[+]~~ **Confirmed order.** Confirmation of a
21 registered support order, whether by operation of law or after



1 notice and hearing, precludes further contest of the order with
2 respect to any matter that could have been asserted at the time
3 of registration.

4 PART III. REGISTRATION AND MODIFICATION

5 OF CHILD SUPPORT ORDER OF ANOTHER STATE

6 ~~[+]~~ §576B-609 ~~[+]~~ Procedure to register child support order
7 of another state for modification. A party or support
8 enforcement agency seeking to modify, or to modify and enforce,
9 a child support order issued in another state shall register
10 that order in this State in the same manner provided in ~~[part I]~~
11 sections 576B-601 through 576B-608 if the order has not been
12 registered. A petition for modification may be filed at the
13 same time as a request for registration, or later. The pleading
14 ~~[must]~~ shall specify the grounds for modification.

15 ~~[+]~~ §576B-610 ~~[+]~~ Effect of registration for modification.

16 A tribunal of this State may enforce a child support order of
17 another state registered for purposes of modification, in the
18 same manner as if the order had been issued by a tribunal of
19 this State, but the registered order may be modified only if the
20 requirements of section 576B-611 or 576B-613 have been met.



1 ~~[+]§576B-611[+]~~ Modification of child support order of
2 another state. (a) ~~[After]~~ If section 576B-613 does not apply,
3 upon petition a tribunal of this State may modify a child
4 support order issued in another state ~~[has been]~~ that is
5 registered in this State~~[, the responding tribunal of this State~~
6 ~~may modify that order only if section 576B-613 does not apply~~
7 ~~and]~~ if, after notice and hearing [it], the tribunal finds that:

8 (1) The following requirements are met:

9 (A) ~~[The]~~ Neither the child, nor the [individual]
10 obligee[, and] who is an individual, nor the
11 obligor ~~[do not reside]~~ resides in the issuing
12 state;

13 (B) A petitioner who is a nonresident of this State
14 seeks modification; and

15 (C) The respondent is subject to the personal
16 jurisdiction of the tribunal of this State; or

17 (2) ~~[The]~~ This State is the residence of the child, or a
18 party who is an individual~~[,]~~ is subject to the
19 personal jurisdiction of the tribunal of this State,
20 and all of the parties who are individuals have filed
21 ~~[written]~~ consents in a record in the issuing tribunal



1 for a tribunal of this State to modify the support
2 order and assume continuing, exclusive jurisdiction
3 ~~[over the order. However, if the issuing state is a~~
4 ~~foreign jurisdiction that has not enacted a law or~~
5 ~~established procedures substantially similar to the~~
6 ~~procedures under this chapter, the consent otherwise~~
7 ~~required of an individual residing in this State is~~
8 ~~not required for the tribunal to assume jurisdiction~~
9 ~~to modify the child support order].~~

10 (b) Modification of a registered child support order is
11 subject to the same requirements, procedures, and defenses that
12 apply to the modification of an order issued by a tribunal of
13 this State and the order may be enforced and satisfied in the
14 same manner.

15 (c) A tribunal of this State may not modify any aspect of
16 a child support order that may not be modified under the law of
17 the issuing state~~[-]~~, including the duration of the obligation
18 of support. If two or more tribunals have issued child support
19 orders for the same obligor and same child, the order that
20 controls and ~~[must]~~ shall be ~~[se]~~ recognized under section



1 576B-207 establishes the aspects of the support order [~~which~~
2 that are nonmodifiable.

3 (d) In a proceeding to modify a child support order, the
4 law of the state that is determined to have issued the initial
5 controlling order governs the duration of the obligation of
6 support. The obligor's fulfillment of the duty of support
7 established by that order shall preclude imposition of a further
8 obligation of support by a tribunal of this State.

9 [~~(d)~~] (e) On the issuance of an order by a tribunal of
10 this State modifying a child support order issued in another
11 state, [a] the tribunal of this State becomes the tribunal
12 having continuing, exclusive jurisdiction.

13 (f) Notwithstanding subsections (a) through (e) and
14 section 576B-201(b), a tribunal of this State retains
15 jurisdiction to modify an order issued by a tribunal of this
16 State if:

17 (1) One party resides in another state; and

18 (2) The other party resides outside the United States.

19 [~~(f)~~] §576B-612 [~~(f)~~] Recognition of order modified in another
20 state. [A] If a child support order issued by a tribunal of
21 this State [shall recognize a modification of its earlier child



1 ~~support order]~~ is modified by a tribunal of another state
2 ~~[which]~~ that assumed jurisdiction pursuant to ~~[this chapter or a~~
3 ~~law substantially similar to this chapter and, upon request,~~
4 ~~except as otherwise provided in this chapter, shall:]~~ the
5 Uniform Interstate Family Support Act, a tribunal of this State:

6 (1) ~~[Enforce the]~~ May enforce its order that was modified
7 only as to ~~[amounts]~~ arrears and interest accruing
8 before the modification;

9 ~~[-(2) Enforce only nonmodifiable aspects of that order,~~

10 ~~-(3) Provide other]~~ (2) May provide appropriate relief
11 ~~[only]~~ for violations of ~~[that]~~ its order ~~[which]~~ that
12 occurred before the effective date of the
13 modification; and

14 ~~[-(4) Recognize]~~ (3) Shall recognize the modifying order of
15 the other state, upon registration, for the purpose of
16 enforcement.

17 ~~[+]§576B-613 [-]~~ Jurisdiction to modify child support order
18 of another state when individual parties reside in this State.

19 (a) If all of the parties who are individuals reside in this
20 State and the child does not reside in the issuing state, a
21 tribunal of this State has jurisdiction to enforce and to modify



1 the issuing state's child support order in a proceeding to
2 register that order.

3 (b) A tribunal of this State exercising jurisdiction under
4 this section shall apply the provisions of Articles 1 and 2,
5 this article, and the procedural and substantive law of this
6 State to the proceeding for enforcement or modification.
7 Articles 3, 4, 5, 7, and 8 shall not apply.

8 [†]§576B-614[†] Notice to issuing tribunal of
9 modification. Within thirty days after issuance of a modified
10 child support order, the party obtaining the modification shall
11 file a certified copy of the order with the issuing tribunal
12 that had continuing, exclusive jurisdiction over the earlier
13 order, and in each tribunal in which the party knows the earlier
14 order has been registered. A party who obtains the order and
15 fails to file a certified copy is subject to appropriate
16 sanctions by a tribunal in which the issue of failure to file
17 arises. The failure ~~[does]~~ to file shall not affect the
18 validity or enforceability of the modified order of the new
19 tribunal having continuing, exclusive jurisdiction.

20 PART IV. REGISTRATION AND MODIFICATION

21 OF FOREIGN CHILD SUPPORT ORDER



1 §576B-615 Jurisdiction to modify child support order of
2 foreign country. (a) Except as otherwise provided in section
3 576B-711, if a foreign country lacks or refuses to exercise
4 jurisdiction to modify its child support order pursuant to its
5 laws, a tribunal of this State may assume jurisdiction to modify
6 the child support order and bind all individuals subject to the
7 personal jurisdiction of the tribunal whether the consent to
8 modification of a child support order otherwise required of the
9 individual pursuant to section 576B-611 has been given or
10 whether the individual seeking modification is a resident of
11 this State or the foreign country.

12 (b) An order issued by a tribunal of this State modifying
13 a foreign child support order pursuant to this section is the
14 controlling order.

15 §576B-616 Procedure to register child support order of
16 foreign country for modification. A party or support
17 enforcement agency seeking to modify, or to modify and enforce,
18 a foreign child support order not under the Convention may
19 register that order in this State under sections 576B-601
20 through 576B-608 if the order has not been registered. A
21 petition for modification may be filed at the same time as a



1 request for registration, or at another time. The petition
2 shall specify the grounds for modification.

3 ARTICLE 7. ~~[DETERMINATION OF PARENTAGE]~~

4 SUPPORT PROCEEDING UNDER CONVENTION

5 ~~[+] §576B-701 [—] Proceeding to determine parentage. (a) A~~
6 ~~tribunal of this State may serve as an initiating or responding~~
7 ~~tribunal in a proceeding brought under this chapter or a law or~~
8 ~~procedure substantially similar to this chapter, the Uniform~~
9 ~~Reciprocal Enforcement of Support Act, or the Revised Uniform~~
10 ~~Reciprocal Enforcement of Support Act to determine that the~~
11 ~~petitioner is a parent of a particular child or to determine~~
12 ~~that a respondent is a parent of that child.~~

13 ~~(b) In a proceeding to determine parentage, a responding~~
14 ~~tribunal of this State shall apply chapter 584 and the rules of~~
15 ~~this State on choice of law.] Definitions. As used in this~~
16 article unless the context otherwise requires:

17 "Application" means a request under the Convention by an
18 obligee or obligor, or on behalf of a child, made through a
19 central authority for assistance from another central authority.

20 "Central authority" means the entity designated by the
21 United States or a foreign country described in paragraph (4) of



1 the definition of "foreign country" in section 576B-102 to
2 perform the functions specified in the Convention.

3 "Convention support order" means a support order of a
4 tribunal of a foreign country described in paragraph (4) of the
5 definition of "foreign country" in section 576B-102.

6 "Direct request" means a petition filed by an individual in
7 a tribunal of this State in a proceeding involving an obligee,
8 obligor, or child residing outside the United States.

9 "Foreign central authority" means the entity designated by
10 a foreign country described in paragraph (4) of the definition
11 of "foreign country" in section 576B-102 to perform the
12 functions specified in the Convention.

13 "Foreign support agreement":

14 (1) Means an agreement for support in a record that:

15 (A) Is enforceable as a support order in the country
16 of origin;

17 (B) Has been:

18 (i) Formally drawn up or registered as an
19 authentic instrument by a foreign tribunal;
20 or



1 (ii) Authenticated by, or concluded, registered,
2 or filed with a foreign tribunal; and

3 (C) May be reviewed and modified by a foreign
4 tribunal; and

5 (2) Includes a maintenance arrangement or authentic
6 instrument under the Convention.

7 "United States central authority" means the Secretary of
8 the United States Department of Health and Human Services.

9 §576B-702 Applicability. This article applies only to a
10 support proceeding under the Convention. In such a proceeding,
11 if a provision of this article is inconsistent with Articles 1
12 through 6, this article controls.

13 §576B-703 Relationship of support enforcement agency to
14 United States central authority. The support enforcement agency
15 of this State is recognized as the agency designated by the
16 United States central authority to perform specific functions
17 under the Convention.

18 §576B-704 Initiation by support enforcement agency of
19 support proceeding under Convention. (a) In a support
20 proceeding under this article, the support enforcement agency of
21 this State shall:



1 (1) Transmit and receive applications; and

2 (2) Initiate or facilitate the institution of a proceeding
3 regarding an application in a tribunal of this State.

4 (b) The following support proceedings are available to an
5 obligee under the Convention:

6 (1) Recognition or recognition and enforcement of a
7 foreign support order;

8 (2) Enforcement of a support order issued or recognized in
9 this State;

10 (3) Establishment of a support order if there is no
11 existing order, including, if necessary, determination
12 of parentage of a child;

13 (4) Establishment of a support order if recognition of a
14 foreign support order is refused under section
15 576B-708(b) (2), (4), or (9);

16 (5) Modification of a support order of a tribunal of this
17 State; and

18 (6) Modification of a support order of a tribunal of
19 another state or a foreign country.



1 (c) The following support proceedings are available under
2 the Convention to an obligor against which there is an existing
3 support order:

4 (1) Recognition of an order suspending or limiting
5 enforcement of an existing support order of a tribunal
6 of this State;

7 (2) Modification of a support order of a tribunal of this
8 State; and

9 (3) Modification of a support order of a tribunal of
10 another state or a foreign country.

11 (d) A tribunal of this State may not require security,
12 bond, or deposit, however described, to guarantee the payment of
13 costs and expenses in proceedings under the Convention.

14 §576B-705 Direct request. (a) A petitioner may file a
15 direct request seeking establishment or modification of a
16 support order or determination of parentage of a child. In the
17 proceeding, the law of this State applies.

18 (b) A petitioner may file a direct request seeking
19 recognition and enforcement of a support order or support
20 agreement. In the proceeding, sections 576B-706 through
21 576B-713 apply.



1 (c) In a direct request for recognition and enforcement of
2 a Convention support order or foreign support agreement:

3 (1) A security, bond, or deposit is not required to
4 guarantee the payment of costs and expenses; and

5 (2) An obligee or obligor that in the issuing country has
6 benefited from free legal assistance is entitled to
7 benefit, at least to the same extent, from any free
8 legal assistance provided for by the law of this State
9 under the same circumstances.

10 (d) A petitioner filing a direct request is not entitled
11 to assistance from the child support enforcement agency.

12 (e) This article does not prevent the application of laws
13 of this State that provide simplified, more expeditious rules
14 regarding a direct request for recognition and enforcement of a
15 foreign support order or foreign support agreement.

16 **§576B-706 Registration of Convention support order.** (a)
17 Except as otherwise provided in this article, a party who is an
18 individual or a support enforcement agency seeking recognition
19 of a Convention support order shall register the order in this
20 State as provided in Article 6.



1 (b) Notwithstanding sections 576B-311 and 576B-602(a), a
2 request for registration of a Convention support order shall be
3 accompanied by:

4 (1) A complete text of the support order or an abstract or
5 extract of the support order drawn up by the issuing
6 foreign tribunal, which may be in the form recommended
7 by the Hague Conference on Private International Law;

8 (2) A record stating that the support order is enforceable
9 in the issuing country;

10 (3) If the respondent did not appear and was not
11 represented in the proceedings in the issuing country,
12 a record attesting, as appropriate, either that the
13 respondent had proper notice of the proceedings and an
14 opportunity to be heard or that the respondent had
15 proper notice of the support order and an opportunity
16 to be heard in a challenge or appeal on fact or law
17 before a tribunal;

18 (4) A record showing the amount of arrears, if any, and
19 the date the amount was calculated;

20 (5) A record showing a requirement for automatic
21 adjustment of the amount of support, if any, and the



1 information necessary to make the appropriate
2 calculations; and

3 (6) If necessary, a record showing the extent to which the
4 applicant received free legal assistance in the
5 issuing country.

6 (c) A request for registration of a Convention support
7 order may seek recognition and partial enforcement of the order.

8 (d) A tribunal of this State may vacate the registration
9 of a Convention support order without the filing of a contest
10 under section 576B-707 only if, acting on its own motion, the
11 tribunal finds that recognition and enforcement of the order
12 would be manifestly incompatible with public policy.

13 (e) The tribunal shall promptly notify the parties of the
14 registration or the order vacating the registration of a
15 Convention support order.

16 **§576B-707 Contest of registered Convention support order.**

17 (a) Except as otherwise provided in this article, sections
18 576B-605 through 576B-608 apply to a contest of a registered
19 Convention support order.

20 (b) A party contesting a registered Convention support
21 order shall file a contest not later than thirty days after



1 notice of the registration, but if the contesting party does not
2 reside in the United States, the contest shall be filed not
3 later than sixty days after notice of the registration.

4 (c) If the nonregistering party fails to contest the
5 registered Convention support order by the time specified in
6 subsection (b), the order is enforceable.

7 (d) A contest of a registered Convention support order may
8 be based only on grounds set forth in section 576B-708. The
9 contesting party bears the burden of proof.

10 (e) In a contest of a registered Convention support order,
11 a tribunal of this State:

12 (1) Is bound by the findings of fact on which the foreign
13 tribunal based its jurisdiction; and

14 (2) May not review the merits of the order.

15 (f) A tribunal of this State deciding a contest of a
16 registered Convention support order shall promptly notify the
17 parties of its decision.

18 (g) A challenge or appeal, if any, does not stay the
19 enforcement of a Convention support order unless there are
20 exceptional circumstances.



1 §576B-708 Recognition and enforcement of registered
2 Convention support order. (a) Except as otherwise provided in
3 subsection (b), a tribunal of this State shall recognize and
4 enforce a registered Convention support order.

5 (b) The following grounds are the only grounds on which a
6 tribunal of this State may refuse recognition and enforcement of
7 a registered Convention support order:

8 (1) Recognition and enforcement of the order is manifestly
9 incompatible with public policy, including the failure
10 of the issuing tribunal to observe minimum standards
11 of due process, which include notice and an
12 opportunity to be heard;

13 (2) The issuing tribunal lacked personal jurisdiction
14 consistent with section 576B-201;

15 (3) The order is not enforceable in the issuing country;

16 (4) The order was obtained by fraud in connection with a
17 matter of procedure;

18 (5) A record transmitted in accordance with section
19 576B-706 lacks authenticity or integrity;



1 (6) A proceeding between the same parties and having the
2 same purpose is pending before a tribunal of this
3 State and that proceeding was the first to be filed;

4 (7) The order is incompatible with a more recent support
5 order involving the same parties and having the same
6 purpose if the more recent support order is entitled
7 to recognition and enforcement under this chapter in
8 this State;

9 (8) Payment, to the extent alleged arrears have been paid
10 in whole or in part;

11 (9) In a case in which the respondent neither appeared nor
12 was represented in the proceeding in the issuing
13 foreign country:

14 (A) If the law of that country provides for prior
15 notice of proceedings, the respondent did not
16 have proper notice of the proceedings and an
17 opportunity to be heard; or

18 (B) If the law of that country does not provide for
19 prior notice of the proceedings, the respondent
20 did not have proper notice of the order and an



1 opportunity to be heard in a challenge or appeal
2 on fact or law before a tribunal; or

3 (10) The order was made in violation of section 576B-711.

4 (c) If a tribunal of this State does not recognize a
5 Convention support order under subsection (b)(2), (4), or (9):

6 (1) The tribunal may not dismiss the proceeding without
7 allowing a reasonable time for a party to request the
8 establishment of a new Convention support order; and

9 (2) The support enforcement agency shall take all
10 appropriate measures to request a child support order
11 for the obligee if the application for recognition and
12 enforcement was received under section 576B-704.

13 §576B-709 Partial enforcement. If a tribunal of this
14 State does not recognize and enforce a Convention support order
15 in its entirety, it shall enforce any severable part of the
16 order. An application or direct request may seek recognition
17 and partial enforcement of a Convention support order.

18 §576B-710 Foreign support agreement. (a) Except as
19 otherwise provided in subsections (c) and (d), a tribunal of
20 this State shall recognize and enforce a foreign support
21 agreement registered in this State.



1 (b) An application or direct request for recognition and
2 enforcement of a foreign support agreement shall be accompanied
3 by:

4 (1) A complete text of the foreign support agreement; and

5 (2) A record stating that the foreign support agreement is
6 enforceable as an order of support in the issuing
7 country.

8 (c) A tribunal of this State may vacate the registration
9 of a foreign support agreement only if, acting on its own
10 motion, the tribunal finds that recognition and enforcement
11 would be manifestly incompatible with public policy.

12 (d) In a contest of a foreign support agreement, a
13 tribunal of this State may refuse recognition and enforcement of
14 the agreement if it finds:

15 (1) Recognition and enforcement of the agreement is
16 manifestly incompatible with public policy;

17 (2) The agreement was obtained by fraud or falsification;

18 (3) The agreement is incompatible with a support order
19 involving the same parties and having the same purpose
20 in this State, another state, or a foreign country if



1 the support order is entitled to recognition and
2 enforcement under this chapter in this State; or

3 (4) The record submitted under subsection (b) lacks
4 authenticity or integrity.

5 (e) A proceeding for recognition and enforcement of a
6 foreign support agreement shall be suspended during the pendency
7 of a challenge to or appeal of the agreement before a tribunal
8 of another state or a foreign country.

9 §576B-711 Modification of Convention child support order.

10 (a) A tribunal of this State may not modify a Convention child
11 support order if the obligee remains a resident of the foreign
12 country where the support order was issued unless:

13 (1) The obligee submits to the jurisdiction of a tribunal
14 of this State, either expressly or by defending on the
15 merits of the case without objecting to the

16 jurisdiction at the first available opportunity; or

17 (2) The foreign tribunal lacks or refuses to exercise
18 jurisdiction to modify its support order or issue a
19 new support order.



1 (b) If a tribunal of this State does not modify a
2 Convention child support order because the order is not
3 recognized in this State, section 576B-708(c) applies.

4 §576B-712 Personal information; limit on use. Personal
5 information gathered or transmitted under this article may be
6 used only for the purposes for which it was gathered or
7 transmitted.

8 §576B-713 Record in original language; English
9 translation. A record filed with a tribunal of this State under
10 this article shall be in the original language and, if not in
11 English, shall be accompanied by an English translation.

12 ARTICLE 8. INTERSTATE RENDITION

13 ~~[+]~~§576B-801~~[+]~~ Grounds for rendition. (a) For purposes
14 of this article, "governor" includes an individual performing
15 the functions of governor or the executive authority of a state
16 covered by this chapter.

17 (b) The governor of this State may:

18 (1) Demand that the governor of another state surrender an
19 individual found in the other state who is charged
20 criminally in this State with having failed to provide
21 for the support of an obligee; or



1 (2) On the demand ~~[by]~~ of the governor of another state,
2 surrender an individual found in this State who is
3 charged criminally in the other state with having
4 failed to provide for the support of an obligee.

5 (c) A provision for extradition of individuals not
6 inconsistent with this chapter applies to the demand even if the
7 individual whose surrender is demanded was not in the demanding
8 state when the crime was allegedly committed and has not fled
9 therefrom.

10 ~~[+]~~ §576B-802 ~~[+]~~ Conditions of rendition. (a) Before
11 making a demand that the governor of another state surrender an
12 individual charged criminally in this State with having failed
13 to provide for the support of an obligee, the governor of this
14 State may require a prosecutor of this State to demonstrate that
15 at least sixty days previously the obligee had initiated
16 proceedings for support pursuant to this chapter or that the
17 proceeding would be of no avail.

18 (b) If, under this chapter or a law substantially similar
19 to this chapter, ~~[the Uniform Reciprocal Enforcement of Support~~
20 ~~Act, or the Revised Uniform Reciprocal Enforcement of Support~~
21 ~~Act,~~] the governor of another state makes a demand that the



1 governor of this State surrender an individual charged
2 criminally in that state with having failed to provide for the
3 support of a child or other individual to whom a duty of support
4 is owed, the governor may require a prosecutor to investigate
5 the demand and report whether a proceeding for support has been
6 initiated or would be effective. If it appears that a
7 proceeding would be effective but has not been initiated, the
8 governor may delay honoring the demand for a reasonable time to
9 permit the initiation of a proceeding.

10 (c) If a proceeding for support has been initiated and the
11 individual whose rendition is demanded prevails, the governor
12 may decline to honor the demand. If the petitioner prevails and
13 the individual whose rendition is demanded is subject to a
14 support order, the governor may decline to honor the demand if
15 the individual is complying with the support order.

16 ARTICLE 9. MISCELLANEOUS PROVISIONS

17 [†] §576B-901 [†] Uniformity of application and
18 construction. ~~[This chapter shall be applied and construed to~~
19 ~~effectuate its general purpose to make uniform]~~ In applying and
20 construing this uniform act, consideration shall be given to the
21 need to promote uniformity of the law with respect to [the] its



1 subject ~~[of this chapter]~~ matter among states ~~[enacting]~~ that
2 enact it.

3 ~~[§] §576B-902 [§] Short title. This chapter may be cited as~~
4 ~~the Uniform Interstate Family Support Act.]~~ Transitional
5 provision. This chapter applies to proceedings begun on or
6 after the effective date of this chapter to establish a support
7 order or determine parentage of a child or to register,
8 recognize, enforce, or modify a prior support order,
9 determination, or agreement, whenever issued or entered."

10 SECTION 2. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 3. This Act shall take effect on July 1, 2015.



Report Title:

Uniform Interstate Family Support Act

Description:

Updates the Uniform Interstate Family Support Act to reflect requirements of the Hague Convention of the International Recovery of Child Support and Other Forms of Family Maintenance. Provides procedures for registration, recognition, enforcement, and modifications of support orders from countries that are parties to the Convention. (SB1066 HD1)

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